

ADOT JPA File No.: 05-063
AG Contract No.: KR05-0783TRN
Amendment No. 1
Project No.: TEA-SAF-0-(1) /
TEA-SAF-0-(2)
Project: Multiuse Pathway
Section: Glen Meadow /
Discovery Park Blvd
TRACS No.: SL481 01C / SL478 01C
Budget Source Item No.: Local

**AMENDMENT NO. 1
TO
INTERGOVERNMENTAL AGREEMENT**

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF SAFFORD

THIS AGREEMENT is entered into this date October 31, 2006, **Amendment No. 1** to JPA No. 05-063, A.G. Contract No.: KR05-0783TRN, filed with the Secretary of State under No. 27742, pursuant to the Arizona Revised Statutes § 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF SAFFORD, acting by and through its MAYOR and CITY COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The City is empowered by City of Safford Municipal Code, Section 2.08.010 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City.

3. The purpose of this Amendment is to clarify the locations of Phase II and Phase III and to revise the Project funding.

THEREFORE, in consideration of the mutual Agreements expressed herein, this Agreement is amended as stated below.

NO. 27742
Filed with the Secretary of State
Date Filed: 10/31/06
Janice K. Brown
Secretary of State
By: [Signature]

7. The work embraced in this Agreement is for the design, construction and maintenance of Phase II and Phase III Multi-use Pathways, hereinafter referred to as the "Project". Phase II will consist of a **1.2 mile**, 10 foot wide multi-use pathway along Discovery Park Boulevard, extending to US Highway 191 between Milepost (MP) 119-120, as shown on Exhibit "A", attached hereto and made a part here of. Phase III will consist of a **1.2 mile**, 10 foot wide multi-use pathway **beginning at** the Glenn Meadows Park running west to 20th Avenue, **and continuing** North to Golf Course Road, as shown on Exhibit "A". Included in the project will be benches, pedestrian and bicycle signs. The City will be responsible for the design and construction of the Project and the City will maintain the Project upon completion. The estimated Project costs are as follows:

Construction TRACS No.: SL478 01D/01C – Phase II

Estimated Federal Aid @ 94.3%	\$152,295.00
Estimated City Funds @ 100%	<u>\$ 52,714.00</u>
Total Estimated Design & Construction Costs	\$205,009.00

Construction TRACS No.: SL481 01D/01C– Phase III

Estimated Federal Aid @ 94.3%	\$287,500.00
Estimated City Funds @ 100%	<u>\$ 29,559.00</u>
Total Estimated Design & Construction Costs	\$317,059.00

II. SCOPE OF WORK

Article II, Paragraph 1., i., is amended in full as follows:


1. The City shall:

i. Upon execution of this Agreement, invoice the State for an estimated amount of \$205,009.00 for Phase II, and an estimated amount of \$317,059.00 for Phase III of the Project.

EXCEPT AS AMENDED herein, **ALL OTHER** terms and conditions of the original Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amended Agreement the day and year first above written.

CITY OF SAFFORD


By 
RONALD M. GREEN
Mayor

STATE OF ARIZONA

Department of Transportation

By 
CYNTHIA MILLS
Joint Project Administrator

ATTEST:

By 
GEORGIA LUSTER
Clerk

JPA 05-063
Amendment No. 1

ATTORNEY APPROVAL FORM FOR THE CITY OF SAFFORD

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the CITY, an Agreement among public agencies which, has been reviewed pursuant to A.R.S. § 11-951 through § 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the CITY under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this 29th day of Sep, 2006.


City Attorney

RESOLUTION NO. 06- 054

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAFFORD AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 1 OF AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA, DEPARTMENT OF TRANSPORTATION, FOR THE CONSTRUCTION AND IMPROVEMENT OF PHASE II AND PHASE III OF THE MULTI-USE PATH.

WHEREAS, the City of Safford desires to construct multi-use path improvements using City and Federal funds for the safety and benefit of the residents of Safford; and

WHEREAS, the Arizona Department of Transportation has agreed to seek funding from the Federal Highway Administration (FHWA) for the project in the maximum amount of \$439,795; and

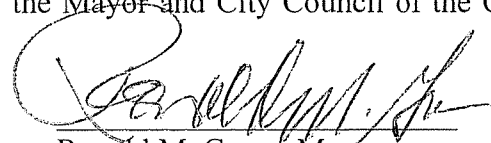
WHEREAS, the City of Safford has budgeted sufficient City funds to provide at least the required matching funds for multi-use path improvements and maintain the completed path; and

WHEREAS, the Arizona Department of Transportation has agreed to act as the agent for the City of Safford to submit a program containing the project to FHWA as outlined in AMENDMENT NO. 1 of the contract identified as AG Contract No: KR05-0783TRN, for Project No: TEA-SAF-0-(1)/TEA-SAF-0-(2); and

WHEREAS, the City of Safford agrees to enter into AMENDMENT NO. 1 of AG Contract No: KR05-0783TRN to complete the improvements outlined in the agreement;

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Safford, Arizona, that the Mayor is authorized to execute AMENDMENT NO. 1 to an intergovernmental agreement with the State of Arizona, Department of Transportation, AG Contract No. KR05-0783TRN, for the construction and improvement of Phase II and Phase III of the Multi-use Path.

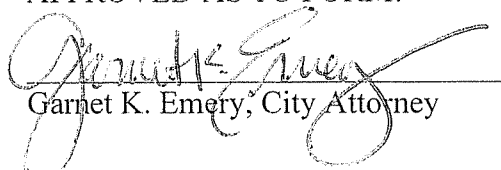
PASSED, ADOPTED, AND APPROVED by the Mayor and City Council of the City of Safford this 9th day of October 2006.


Ronald M. Green, Mayor

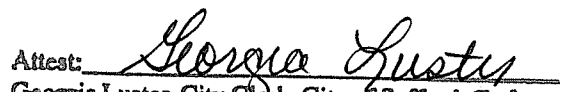
ATTEST:


Georgia Luster, City Clerk


APPROVED AS TO FORM:


Garnet K. Emery, City Attorney

The foregoing instrument is a full, true and correct copy of the original on file in this office.

Attest: 
Georgia Luster, City Clerk, City of Safford, Graham County, State of Arizona.

10 - Oct - 2006
Date

<p>TERRY GODDARD Attorney General</p>	 <p>OFFICE OF THE ATTORNEY GENERAL STATE OF ARIZONA</p>	<p>CIVIL DIVISION TRANSPORTATION SECTION Writer's Direct Line: 602.542.8855 Facsimile: 602.542.3646 E-mail: Susan.Davis@azag.gov</p>
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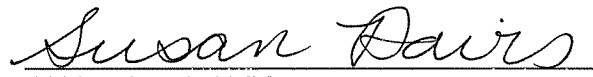
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR05-0783TRN (**JPA 05-063, Amendment No. 1**), an Agreement between public agencies, i.e., The State of Arizona and The City of Safford, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: October 25, 2006

TERRY GODDARD
Attorney General


SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

SED:mjf:984400
Attachment